

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	No. 1:17-cv-00365-DAE-AWA
GRANDE COMMUNICATIONS)	
NETWORKS LLC,)	
)	
Defendant.)	
)	

**DECLARATION OF ZACHARY C. HOWENSTINE IN SUPPORT OF
DEFENDANT’S MOTION TO EXCLUDE PROPOSED
EXPERT TESTIMONY OF DR. TERRENCE P. MCGARTY**

I, Zachary C. Howenstine, declare as follows:

1. I am licensed to practice law in the State of Missouri and am a partner at the law firm of Armstrong Teasdale LLP. I am counsel of record for Defendant, Grande Communications Networks LLC (“Grande”) in this suit filed by Plaintiffs UMG Recordings, Inc., et al. (“Plaintiffs”). I have been admitted to practice in the Western District of Texas on a *pro hac vice* basis pursuant to ECF No. 24 entered on May 23, 2017. I submit this declaration in support of Defendant Grande’s Motion to Exclude the Proposed Expert Testimony of Dr. Terrence P. McGarty. I have personal knowledge of the facts set forth below and if called upon and sworn as a witness, I could and would competently testify to them.

2. Plaintiffs served the Expert Report of Dr. Terrence P. McGarty on Grande on July 13, 2018. A true and correct copy of that report is marked as Exhibit 1 and is the subject of Grande’s contemporaneously-filed Motion for Leave to File under Seal.

3. The deposition of Dr. Terrence P. McGarty took place on November 1, 2018. A true and correct copy of excerpts from the rough transcript of that deposition is marked as

Exhibit 2 and is the subject of Grande's contemporaneously-filed Motion for Leave to File under Seal.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on November 15, 2018 in Princeton, NJ.

/s/ Zachary C. Howenstine
Zachary C. Howenstine